

APPENDIX

EXHIBIT 6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT LEDWITH, TERRENCE MOORE, KEVIN KELLY, FRED LeMOINE, ALFRED G. GEROSA, JOHN BRUNETTI, KEVIN O'BRIEN, and JOSEPH MARTINELLI, as TRUSTEES of the LOCAL #46 METALLIC LATHERS UNION AND REINFORCING IRON WORKERS WELFARE TRUST, ANNUITY FUND, PENSION FUND, APPRENTICESHIP FUND, VACATION FUND, SCHOLARSHIP FUND and OTHER FUNDS,)
) Docket No. 07-CV-4237 (CBA)(CLP)
-and-)
ROBERT LEDWITH, as Business Manager of the LOCAL #46 METALLIC LATHERS UNION AND REINFORCING IRON WORKERS and as Trustee of the LOCAL #46 METALLIC LATHERS UNION AND REINFORCING IRON WORKERS POLITICAL ACTION FUNDS,)
)
Plaintiffs,)
-against-)
CHARLES DOHERTY, UNITED STATES REBAR, INC., and JOHN DOES 1-10,)
)
Defendants.)

PLEASE TAKE NOTICE that defendants Charles S. Doherty and United States Rebar, Inc., by and through their undersigned counsel, respectfully move this Court for an Order dismissing Plaintiffs' Amended Complaint in its entirety pursuant to Fed. R. Civ. P. Rule 12(b)(6). In addition, should the Court determine that the presentation of evidence relating to the matters raised by this motion would be beneficial, defendants respectfully request a hearing pursuant to Rule 12(i). Oral argument will be held on a date and time to be designated by the Court (previously set by the Court for February 26, 2008, at 2:00 p.m.). This Motion is supported by the accompanying Memorandum of Law, dated January 15, 2008, the accompanying Declaration of James O. Druker, Esq., executed on

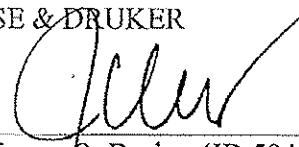
January 11, 2008, and the exhibits annexed thereto, the accompanying Affirmation of Michael Rabinowitz, Esq., sworn to on December 19, 2007, and the exhibits annexed thereto, the Affidavit of Charles S. Doherty, sworn to on December 26, 2007, and the Affidavit of Thomas E. McDonagh, sworn to on December 21, 2007.

Dated: January 15, 2008

Respectfully submitted,

KASE & DRUKER

By:


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